

# WPDES PERMIT

## *STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES*


### **GENERAL PERMIT TO DISCHARGE UNDER THE WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM**

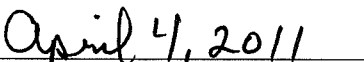
In compliance with the provisions of Chapter 283, Wisconsin Statutes, any owner or operator of a  
**LARGE DAIRY CONCENTRATED ANIMAL FEEDING OPERATION**

meeting the applicability criteria listed in this general permit and having a letter from the Department authorizing coverage under this permit, is permitted to discharge to groundwaters and surface waters of the State of Wisconsin in accordance with the effluent limitations, monitoring requirements and other conditions set forth in this permit.

The permittee shall not discharge after the date of expiration. If the permittee wishes to continue to discharge after this expiration date, an application shall be filed for reissuance of this permit, according to Chapter NR 200, Wis. Adm. Code, at least 180 days prior to the expiration date given below.

State of Wisconsin Department of Natural Resources  
For the Secretary

By   
Russell Rasmussen  
Director, Bureau of Watershed Management

  
Date of Signature

Effective Date: April 4, 2011  
Expiration Date: March 31, 2016

## TABLE OF CONTENTS

<b>1 APPLICABILITY CRITERIA</b>	<b>1</b>
1.1 OPERATIONS COVERED	1
1.2 OPERATIONS NOT COVERED	1
<b>2 GRANTING OF COVERAGE</b>	<b>1</b>
<b>3 LIVESTOCK OPERATIONAL AND SAMPLING REQUIREMENTS</b>	<b>2</b>
3.1 PRODUCTION AREA DISCHARGE LIMITATIONS	2
3.2 RUNOFF CONTROL	2
3.3 RUNOFF CONTROL SYSTEM(S) SAMPLING POINTS (NO SAMPLING REQUIRED)	2
3.3.1 <i>Non-permanent feed storage areas</i>	3
3.4 MANURE AND PROCESS WASTEWATER STORAGE	3
3.4.1 <i>Solid Manure (12% Solids or More)</i>	3
3.4.2 <i>Liquid Manure (Less than 12% Solids) and Process Wastewater</i>	4
3.4.3 <i>Facility Closure and Abandonment</i>	5
3.4.4 <i>Sampling Requirements</i>	5
3.5 MANURE AND PROCESS WASTEWATER STORAGE AND PRODUCTION FACILITIES SAMPLING POINT(S) (SAMPLING REQUIRED)	5
3.5.1 <i>Sampling Point S001 - Solid Manure Storage or Production Facilities</i>	6
3.5.2 <i>Sampling Point S002 - Liquid Manure Storage or Production Facilities</i>	8
3.5.3 <i>Sampling Point S003 – Process Wastewater Storage or Production Facilities</i>	11
3.6 ANCILLARY SERVICE AND STORAGE AREAS	13
3.7 NUTRIENT MANAGEMENT	13
3.7.1 <i>General Spreading Restrictions</i>	14
3.7.2 <i>Non-Cropland Applications</i>	14
3.7.3 <i>Additional Nutrient Management Plan Requirements</i>	14
3.7.4 <i>Frozen or Snow Covered Ground – General Spreading Restrictions</i>	15
3.7.5 <i>Frozen or Snow Covered Ground – Solid Manure (12% solids or more)</i>	15
3.7.6 <i>Frozen or Snow Covered Ground – Allowances for Surface Applications of Liquid Manure (&lt;12% solids)</i>	16
3.7.7 <i>Frozen or Snow Covered Ground – Process Wastewater</i>	17
3.7.8 <i>Spreading Sites Submittals</i>	17
3.8 MONITORING AND SAMPLING REQUIREMENTS	18
3.8.1 <i>Monitoring and Inspection Program</i>	18
<b>4 SCHEDULES</b>	<b>19</b>
4.1 EMERGENCY RESPONSE PLAN	19
4.2 ANNUAL REPORTS	19
4.3 NUTRIENT MANAGEMENT PLAN	19
4.4 SUBMIT PERMIT REISSUANCE APPLICATION	20
<b>5 STANDARD REQUIREMENTS</b>	<b>21</b>
5.1 GENERAL CONDITIONS	21
5.1.1 <i>Duty to comply</i>	21
5.1.2 <i>Permit Actions</i>	21
5.1.3 <i>Property Rights</i>	21
5.1.4 <i>Schedules</i>	21
5.1.5 <i>Inspection and Entry</i>	21
5.1.6 <i>Transfers</i>	21
5.1.7 <i>Duty to Mitigate</i>	22
5.1.8 <i>Duty to Provide Information</i>	22
5.1.9 <i>Recording of Results-Sampling</i>	22
5.1.10 <i>Recording of Results-Inspections</i>	22
5.1.11 <i>Spill Reporting</i>	22
5.1.12 <i>Planned Changes</i>	22
5.1.13 <i>Submittal of Plans and Specifications</i>	23

5.1.14 Other Information	23
5.1.15 Noncompliance - 24 Hour Reporting	23
5.1.16 Reports and Submittal Certification	23
5.2 LIVESTOCK OPERATION GENERAL REQUIREMENTS	23
5.2.1 Responsibility for Manure and Process Wastewater	23
5.2.2 Distribution of Manure and Process Wastewater	23
5.2.3 Emergency Response Plans	24
5.2.4 Mortality Management	24
5.2.5 Department Review of Nutrient Management Plans	24
5.2.6 Construction Schedules	24
5.2.7 Manure or Process Wastewater Storage Facility, Composting and Compost Leachate Containment Systems - Installation Plan Requirements	25
5.2.8 Runoff Control Systems - Installation Plan Requirements	25
5.2.9 Requirements for Digesters for Biogas Production	26
5.2.10 Record Keeping and Retention	26
5.2.11 Reporting Requirements	26
5.2.12 Duty to Maintain Permit Coverage	27
5.2.13 Continuation of an Expired General Permit	27
5.2.14 Enforcement	27
5.2.15 Severability	27
<b>6 SUMMARY OF REPORTS DUE</b>	<b>28</b>

# 1 Applicability Criteria

## 1.1 Operations Covered

With the exceptions listed in 1.2 below, this permit applies to:

- First time permit issuances to large dairy concentrated animal feeding operations with at least 1000 animal units and fewer than 5720 animal units.
- Permit reissuances for large dairy concentrated animal feeding operations with at least 1000 animal units and fewer than 5720 animal units.

NOTE: The allowable animal type covered under this permit (dairy) must make up at least 80% of the permittee's total animal unit count.

## 1.2 Operations not covered

This permit does not apply to operations:

- With an owner or operator convicted of a criminal violation pursuant to chapter 283, Wis. Stats., within 60 months before the date of application for permit coverage.
- That are unpermitted and have a referral to the Department of Justice pending for alleged violations under chs. 281 or ch. 283, Stats.
- With an owner or operator with a civil judgment entered against them within 36 months prior to the date of application for permit coverage for violations related to the WPDES permit or other water quality impacts.
- That are unpermitted and have been issued an environmental citation or Notice of Violation for water quality related impacts within 24 months prior to application for permit coverage, if the owner or operator did not implement corrective measures identified in the citation or Notice of Violation.
- That have not addressed discharges identified as part of a Notice of Discharge (NOD) issued in accordance with ch. NR 243, Wis. Adm. Code.
- That have less than 180 days of liquid manure storage in accordance with s. NR 243.15(3)(i) or (j), whichever is applicable.
- That are not in substantial compliance with an individual WPDES permit as determined by the Department.
- That have non-dairy animals (see s. NR 243.05) that make up 20% or more of the animal unit count (e.g., veal, poultry, duck, swine).
- That exceed the maximum number of animal units specified in Section 1.1.

NOTE: An exceedance of animal unit thresholds established in this general permit at any time constitutes a permit violation.

# 2 Granting of Coverage

An operation is not covered by this permit until the operation receives a letter from the Department granting coverage under this permit. The Department may not grant permit coverage until the applicant has submitted and the Department has reviewed a WPDES permit application submitted in accordance with s. NR 243.12.

NOTE: The Department shall public notice its intent to grant coverage to an operation and the availability of an operation's nutrient plan and follow the public participation procedures contain in subchapters I and II of ch. NR 203, Wis. Adm. Code, as part of the process of covering an operation under this general permit.

## **3 Livestock Operational and Sampling Requirements**

### **3.1 Production Area Discharge Limitations**

The permittee shall comply with the livestock performance standards and prohibitions in ch. NR 151. In accordance with s. NR 243.13, the permittee may not discharge manure or process wastewater pollutants to navigable waters from the production area, which includes approved manure stacking sites, unless all of the following apply:

- The discharge is from an overflow of manure or process wastewater from a containment or storage structure and is caused by precipitation.
- The containment or storage structure is properly designed, constructed and maintained to contain all manure and process wastewater from the operation, including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event for this county where the operation is located as specified in ch. NR 243.04, Table 1.
- The production area is operated in accordance with the inspection, maintenance and record keeping requirements in s. NR 243.19.
- The discharge complies with surface water quality standards. For all new or increased discharges to an ORW or ERW, any pollutant discharged shall not exceed existing levels of the pollutant immediately upstream of the discharge site. For any new or increased discharges to other fish and aquatic life waters, the discharge shall not cause a significant lowering of water quality under chapter NR 207, Wis. Adm. Code.

A permittee may not discharge any pollutants from the production area to a 303(d) listed surface water if the pollutants discharged are related to the cause of the impairment, unless the discharge is allowed under an EPA approved TMDL.

The permittee may not discharge pollutants to navigable waters under any circumstance or storm event from areas of the production area, including manure stacks on cropland, where manure or process wastewater is not properly stored or contained by a structure.

NOTE: Wastewater treatment strips, grassed waterways or buffers are examples of facilities or systems that by themselves do not constitute a structure.

Production area discharges to waters of the state authorized under this permit shall comply with water quality standards, groundwater standards and may not impair wetland functional values.

All structures shall be designed and operated in accordance with ss. NR 243.15 and NR 243.17 to control manure and process wastewater for the purpose of complying with discharge limitations established in this section.

An owner or operator of a concentrated animal feeding operation that has been approved for coverage under this permit may not exceed the maximum number of animal units specified in Section 1.1. If a permittee wishes to expand and exceed the maximum number of animal units specified in Section 1.1, the permittee shall apply for coverage under an individual WPDES permit and may not expand beyond the maximum number in this general permit until individual permit coverage is granted.

### **3.2 Runoff Control**

All runoff control systems shall be designed and maintained to comply with production area discharge limitations. Uncontaminated runoff shall be diverted away from manure and process wastewater storage and containment areas, raw materials storage and containment areas, and outdoor animal lots. All storage and containment structures associated with runoff control systems shall be operated in accordance with the "Proper Operation and Maintenance" section.

### **3.3 Runoff Control System(s) Sampling Points (No Sampling Required)**

The permittee is authorized to use only the runoff control system(s) identified in the cover letter granting coverage under this general permit. The Department will identify and describe authorized runoff control systems in the cover

letter granting coverage under this permit using a corresponding sample point number, following by a letter suffix for each system (e.g., R001, R002, R003).

The permittee may not install or use new runoff control systems or structures unless written Department approval is received. In accordance with the Production Area Discharge Limitations subsection, the permittee shall control contaminated runoff from all elements of the production area to prevent a discharge of pollutants to navigable waters in accordance with the limitations in Section 3.1, comply with surface water quality standards and groundwater standards, and prevent impairments to wetland functional values.

#### **Runoff Control System(s) - Action Needed**

If monitoring or inspection reports indicate that manure or process wastewater may be discharged to navigable waters from the animal production area, in violation of the conditions in the Production Area Discharge Limitations subsection, the permittee shall immediately install interim control measures to contain the discharges. Plans and specifications for permanent runoff controls must be submitted to the Department for review and approval in accordance with Chapter 281.41., Wis. Statutes, and Chapter NR 243, Wis. Adm. Code.

### **3.3.1 Non-permanent feed storage areas**

The permittee shall comply with Production Area Discharge Limitations when siting and operating non-permanent feed storage areas (e.g., silage bags). The permittee may either follow the provisions for non-permanent feed storage areas in NRCS Standard 629 or submit alternative siting and operating conditions for Department review and approval. Information documenting non-permanent feed storage area compliance with applicable provisions of NRCS Standard 629 shall be submitted to the Department 30 days prior to the start of using these areas. Permittees submitting alternative siting and operating conditions must receive written Department approval prior to using non-permanent feed storage areas.

The Department may require additional restrictions or prohibit use of a non-permanent feed storage area(s), in writing, based on documented impacts to waters of the state at or from the storage area. The permittee shall manage the non-permanent feed storage area in compliance with the written additional restrictions or prohibition.

NOTE: Ch. NR 429.04, Wis. Adm. Code, prohibits the burning of covers used for feed storage.

## **3.4 Manure and Process Wastewater Storage**

All permittees shall have and maintain adequate storage for all manure and process wastewater generated at the operation to ensure that wastes can be properly stored and land applied in compliance with the conditions and timing restrictions of the permit, a Department approved nutrient management plan and s. NR 243.14(9).

### **3.4.1 Solid Manure (12% Solids or More)**

The following section applies to operations that handle solid manure.

#### **3.4.1.1 Solid Manure Stacking**

All proposed stacking of solid manure outside of a Department approved storage facility shall be submitted to the department for approval and identified in the permittee's nutrient management plan. A permittee may not stack manure on a site unless the permittee has obtained Department approval. Stacking is only allowed during February and March and practices shall comply with requirements of s. NR 243.141. Stacking approvals may be rescinded by the Department in writing based on documented impacts to waters of the state at or from the stacking site or runoff onto another persons land. Stacking shall comply with following requirements:

- When piled in a stack, the solid manure stack must be able to maintain its shape with minimal sloughing such that an angle of repose of 45 degrees or greater is maintained when the manure is not frozen.
- Stacking of solid manure outside of a department approved manure storage facility shall, at a minimum, meet the specifications in NRCS Standard 313, Table 9, dated December 2005. Alternatively, stacks may be placed

on sites with soils in the hydrologic soil group D provided the manure has a solids content of greater than 32% and all other criteria in NRCS Standard 313, Table 9, are met.

- The permittee shall implement any necessary additional best management practices to ensure stacking areas maintain compliance with the production area requirements in s. NR 243.13. [NOTE: Examples of additional best management practices may include upslope clean water diversions or downslope containment structures].
- The stacked manure shall have minimal leaching so that leachate from the stack is contained within the designated stacking area and does not cause an exceedance of groundwater quality standards.
- Solid manure may not be stacked in a water quality management area.
- Stacks may only be placed on cropland.

As part of the Department approval, the Department may require additional restrictions on stacking of solid manure needed to protect water quality. The permittee shall manage the stack in compliance with the additional restrictions specified in the approval.

### **3.4.2 Liquid Manure (Less than 12% Solids) and Process Wastewater**

This section applies to operations that handle liquid manure or process wastewater.

#### **3.4.2.1 Proper Operation and Maintenance**

The permittee shall at all times properly operate and maintain all manure and process wastewater facilities and systems in compliance with the conditions of this permit. The permittee shall comply with the permit and s. NR 243.17, including the following requirements:

- All liquid manure and process wastewater storage or containment facilities shall have the permanent markers specified in s. NR 243.15(3)(e) (margin of safety and maximum operating level markers for liquid manure and process wastewater, and the 180-day storage marker for liquid manure).
- Chemicals and other pollutants may not be added to manure, process wastewater or storm water storage facilities or treatment systems without prior Department approval.
- Liquid manure storage facilities or systems shall be emptied to the point that the 180-day level indicator is visible on at least one day between October 1 and November 30, except for liquid manure remaining due to unusual fall weather conditions prohibiting manure applications during this time period. The permittee shall record the day on which the 180-day level indicator was visible during this time period. Permittees unable to empty their storage facility to the 180-day level indicator between October 1 and November 30, shall notify the department in writing by December 5.
- The permittee shall maintain design storage capacity of 180 days for liquid manure unless the Department approves a temporary reduction in design storage capacity to 150 days in accordance with s. NR 243.17(4).
- Prior to introducing any influent additives to a digester, other than manure, the permittee shall obtain written Department approval. If any materials other than manure are used in the digester, the permittee shall maintain daily records of the volumes of all manure and non-manure components added to the digester influent. As part of its approval, the Department may apply additional requirements in accordance with s. NR 243.17(1). As part of the Department's review, the Department may also require amendments to the permittee's nutrient management plan and the permittee shall submit an amended plan to the Department to incorporate the additional requirements.

#### **3.4.2.2 Discharge Prevention**

A permittee shall operate and maintain storage and containment facilities to prevent overflows and discharges to waters of the state.

- The permittee may not exceed the maximum operating level in liquid storage or containment facilities except as a result of recent precipitation or conditions that do not allow removal of material from the facility in accordance with permit conditions.
- The permittee shall maintain a margin of safety in liquid storage or containment facilities that levels of manure, process wastewater and other wastes placed in the storage or containment facility may not exceed. Materials shall be removed from the facility in accordance with the approved nutrient management plan to ensure that the margin of safety is not exceeded. Failure to maintain a margin of safety is permit noncompliance that must be reported to the

Department in accordance with the timeframes specified in the Noncompliance-24 Hour Reporting subsection in the Standard Requirements.

### **3.4.2.3 Liquid Manure – 180-day storage**

The permittee shall demonstrate compliance with the 180-day design storage capacity requirement at all the following times:

- As part of an application for permit reissuance.
- At the time of submittal of plans and specifications for proposed reviewable facilities or systems.
- In annual reports to the department.
- When an operation is proposing, at any time, a 20% expansion in animal units or an increase by an amount of 1,000 animal units or more unless the Department has approved reductions in design storage in accordance with s. NR 243.17(4).

### **3.4.3 Facility Closure and Abandonment**

In accordance with s. NR 243.17, if the permittee plans to close or abandon structures or systems regulated by this permit, a closure or abandonment plan shall be submitted to the Department and written Department approval must be granted before closing the facility. Manure storage facilities shall be closed or abandoned in accordance with NRCS Standard 360 (December 2005). Closure or abandonment of a manure storage facility shall occur when manure has not been added or removed for a period of 24 months, unless the owner or operator can provide information to the Department that the structure is designed to store manure for a longer period of time or that the storage structure will be utilized within a specific period of time.

### **3.4.4 Sampling Requirements**

The permittee shall collect and analyze representative samples of manure and process wastewater to be land applied for the parameters outlined in the monitoring requirements for each sample point. The permittee shall also collect and analyze soils from fields used for manure or process wastewater applications at least once every four years. Sampling of manure, process wastewater and soils shall be done in accordance with s. NR 243.19(1)(c).

## **3.5 Manure and Process Wastewater Storage and Production Facilities Sampling Point(s) (Sampling Required)**

In accordance with the Production Area Discharge Limitations subsection, manure and process wastewater storage and production facilities shall be operated and maintained to prevent discharges to navigable waters, comply with surface water quality standards and prevent impairments to wetland functional values. In addition, manure and process wastewater storage and production facilities shall be operated and maintained to minimize leakage for the purpose of complying with groundwater standards. Unless approved by the Department as part of the permittees nutrient management plan, solid manure stacking is prohibited. The permittee is authorized to use only the manure and process wastewater storage facilities identified as sampling points in the cover letter authorizing coverage under this permit in accordance with the conditions specified in this permit. A permittee must obtain Department approval, in writing, for the construction and inclusion of any additional storage or production areas for coverage under this General Permit. The permittee may not install or use other manure or process wastewater storage facilities not identified in the letter conveying coverage without prior written Department approval.

The Department will identify and describe authorized manure and process wastewater storage facilities in the cover letter granting coverage under this permit using a corresponding sample point number from the table below, followed by a letter suffix for each type of storage or production facility (e.g., S001A, S001B, S002A, S002B).



Sampling Point Designation	
Sampling Point Number	Sampling Point Description
S001	All solid manure storage or production facilities (including solid manure stacking, untreated or digested separated solids)
S002	All liquid manure storage or production facilities (including digester effluent)
S003	All process wastewater storage or production facilities

**Manure and Process Wastewater Storage Facilities - Action Needed:** If monitoring or inspection reports indicate any storage facility may not be able to prevent discharges to navigable waters in accordance with the conditions in the Production Area Discharge Limitations subsection, the permittee shall immediately install interim control measures to contain the discharges. Plans and specifications for permanent facilities must be submitted to the Department for review and approval in accordance with Chapter 281.41, Wis. Statutes, and Chapter NR 243, Wis. Adm. Code.

The permittee shall take representative samples of sources of solid manure that are land applied in the manner and frequency specified in the table below.

### 3.5.1 Sampling Point S001 - Solid Manure Storage or Production Facilities

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limits and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lbs/ton	Quarterly	Grab	
Nitrogen, Available		lbs/ton	Quarterly	Calculated	
Phosphorus, Total		lbs/ton	Quarterly	Grab	
Phosphorus, Available		lbs/ton	Quarterly	Calculated	
Solids, Total		Percent	Quarterly	Grab	

**Reporting:** Sampling test results shall be submitted with the Annual Report. Sampling is only required when land application has actually occurred.

<b>Daily Log Requirements</b>	
The permittee shall document all discharge and monitoring activities on daily log report form 3200-123A or a Department approved equivalent log sheet. Originals of the daily log reports shall be kept by the permittee as described under Record Keeping and Retention in the Standard Requirements section, and if requested, made available to the Department.	
<b>Parameters</b>	<b>Units</b>
Date of Application	Date
Field ID	Number/Name
Acres Applied	Number of Acres
Manure/Process Wastewater Source	Specify Storage Facility or Barn
Spreader Volume	Tons or Gallons
Number of Loads	Number
Soil Conditions	Dry, Wet, Frozen, Snow Covered
Temperature During Application	°F
Precipitation During Application	Describe Precipitation
Application Method	Surface Applied, Injected, Incorporated

<b>Annual Report</b>		
The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Date of Application	Date	-
Field ID	Number/Name	-
Acres Applied	Number of Acres	-
Slope	Percent	-
Soil Test P Average	ppm	-
Manure Source	-	Composite
Current Crop	-	-
Crop Nitrogen Needs (per soil test)	Pounds/Acre	-
Crop P <sub>2</sub> O <sub>5</sub> Needs (per soil test)	Pounds/Acre	-
Manure Analysis: Available Nitrogen	Pounds/Ton	Calculated

<b>Annual Report</b>		
The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Manure Analysis: Available P <sub>2</sub> O <sub>5</sub>	Pounds/Ton	Calculated
Manure Application Rate	Tons/Acre	-
Manure/Process Wastewater Applied: Nitrogen	Pounds/Acre	-
Manure/ Process Wastewater Applied: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Previous Crop	-	-
Legume Nitrogen Credit	Pounds/Acre	-
Second Year Manure Credit	Pounds/Acre	-
Additional Fertilizer: Nitrogen	Pounds/Acre	-
Additional Fertilizer: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Total Nitrogen Applied	Pounds/Acre	-
Total P <sub>2</sub> O <sub>5</sub> Applied	Pounds/Acre	-
Soil Conditions	Dry, Wet, Frozen, Snow Covered	-
Application Method	Surface Applied, Injected, Incorporated	-
Banked	Yes/No	-
Field Restrictions	Per Nutrient Management Plan	-

The permittee shall take representative samples of sources of liquid manure that are land applied in the manner and frequency specified in the table below.

### 3.5.2 Sampling Point S002 - Liquid Manure Storage or Production Facilities

<b>Monitoring Requirements and Limitations</b>					
<b>Parameter</b>	<b>Limit Type</b>	<b>Limits and Units</b>	<b>Sample Frequency</b>	<b>Sample Type</b>	<b>Notes</b>
Nitrogen, Total		lb/1000 gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000 gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

**Reporting:** Sampling test results shall be submitted with the Annual Report. Sampling is only required when land application has actually occurred.

<b>Daily Log Requirements</b> The permittee shall document all discharge and monitoring activities on daily log report form 3200-123A or a Department approved equivalent log sheet. Originals of the daily log reports shall be kept by the permittee as described under Record Keeping and Retention in the Standard Requirements section, and if requested, made available to the Department.	
Parameters	Units
Date of Application	Date
Field ID	Number/Name
Acres Applied	Number of Acres
Manure/Process Wastewater Source	Specify Storage Facility or Barn
Spreader Volume	Tons or Gallons
Number of Loads	Number
Soil Conditions	Dry, Wet, Frozen, Snow Covered
Temperature During Application	°F
Precipitation During Application	Describe Precipitation
Application Method	Surface Applied, Injected, Incorporated

<b>Annual Report</b> The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.		
Parameters	Units	Sample Type
Date of Application	Date	-
Field ID	Number/Name	-
Acres Applied	Number of Acres	-
Slope	Percent	-
Soil Test P Average	ppm	-
Manure Source	-	Composite
Current Crop	-	-
Crop Nitrogen Needs (per soil test)	Pounds/Acre	-
Crop P <sub>2</sub> O <sub>5</sub> Needs (per soil test)	Pounds/Acre	-

<b>Annual Report</b>		
The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Manure/Process Wastewater Analysis: Available Nitrogen	Pounds/1000 Gallons	Calculated
Manure/Process Wastewater Analysis: Available P <sub>2</sub> O <sub>5</sub>	Pounds/1000 Gallons	Calculated
Manure/Process Wastewater Application Rate	Gallons/Acre	-
Manure/Process Wastewater Applied: Nitrogen	Pounds/Acre	-
Manure/ Process Wastewater Applied: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Previous Crop	-	-
Legume Nitrogen Credit	Pounds/Acre	-
Second Year Manure Credit	Pounds/Acre	-
Additional Fertilizer: Nitrogen	Pounds/Acre	-
Additional Fertilizer: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Total Nitrogen Applied	Pounds/Acre	-
Total P <sub>2</sub> O <sub>5</sub> Applied	Pounds/Acre	-
Soil Conditions	Dry, Wet, Frozen, Snow Covered	-
Application Method	Surface Applied, Injected, Incorporated	-
Banked	Yes/No	-
Field Restrictions	Per Nutrient Management Plan	-

The permittee shall take representative samples of sources of process wastewater that are land applied in the manner and frequency specified in the table below.

### 3.5.3 Sampling Point S003 – Process Wastewater Storage or Production Facilities

Monitoring Requirements and Limitations					
Parameter	Limit Type	Limits and Units	Sample Frequency	Sample Type	Notes
Nitrogen, Total		lb/1000 gal	2/Month	Grab	
Nitrogen, Available		lb/1000gal	2/Month	Calculated	
Phosphorus, Total		lb/1000 gal	2/Month	Grab	
Phosphorus, Available		lb/1000gal	2/Month	Calculated	
Solids, Total		Percent	2/Month	Grab	

**Reporting:** Sampling test results shall be submitted with the Annual Report. Sampling is only required when land application has actually occurred.

Daily Log Requirements	
The permittee shall document all discharge and monitoring activities on daily log report form 3200-123A or a Department approved equivalent log sheet. Originals of the daily log reports shall be kept by the permittee as described under Record Keeping and Retention in the Standard Requirements section, and if requested, made available to the Department.	
Parameters	Units
Date of Application	Date
Field ID	Number/Name
Acres Applied	Number of Acres
Manure/Process Wastewater Source	Specify Storage Facility or Barn
Spreader Volume	Tons or Gallons
Number of Loads	Number
Soil Conditions	Dry, Wet, Frozen, Snow Covered
Temperature During Application	°F
Precipitation During Application	Describe Precipitation
Application Method	Surface Applied, Injected, Incorporated

Annual Report		
<p>The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.</p>		
Parameters	Units	Sample Type
Date of Application	Date	-
Field ID	Number/Name	-
Acres Applied	Number of Acres	-
Slope	Percent	-
Soil Test P Average	ppm	-
Manure Source	-	Composite
Current Crop	-	-
Crop Nitrogen Needs (per soil test)	Pounds/Acre	-
Crop P <sub>2</sub> O <sub>5</sub> Needs (per soil test)	Pounds/Acre	-
Manure/Process Wastewater Analysis: Available Nitrogen	Pounds/1000 Gallons	Calculated
Manure/Process Wastewater Analysis: Available P <sub>2</sub> O <sub>5</sub>	Pounds/1000 Gallons	Calculated
Manure/Process Wastewater Application Rate	Gallons/Acre	-
Manure/Process Wastewater Applied: Nitrogen	Pounds/Acre	-
Manure/ Process Wastewater Applied: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Previous Crop	-	-
Legume Nitrogen Credit	Pounds/Acre	-
Second Year Manure Credit	Pounds/Acre	-
Additional Fertilizer: Nitrogen	Pounds/Acre	-
Additional Fertilizer: P <sub>2</sub> O <sub>5</sub>	Pounds/Acre	-
Total Nitrogen Applied	Pounds/Acre	-
Total P <sub>2</sub> O <sub>5</sub> Applied	Pounds/Acre	-
Soil Conditions	Dry, Wet, Frozen, Snow Covered	-

<b>Annual Report</b>		
The permittee shall submit an Annual Report, including Form 3200-123 or a Department approved equivalent, that summarizes all landspreading activities and includes the information identified below, the lab analyses of the manure and other waste landspread, the "T" compliance worksheet for all fields, and the soil test frequency in the past four years. The Annual Report is due each year by the date specified in the Schedules section of this permit. Nitrogen and phosphorus from all sources applied to a given field, including commercial fertilizers, shall be included in the "Total Nitrogen" and "Total Phosphorus" sections of the Annual Report.		
<b>Parameters</b>	<b>Units</b>	<b>Sample Type</b>
Application Method	Surface Applied, Injected, Incorporated	-
Banked	Yes/No	-
Field Restrictions	Per Nutrient Management Plan	-

### 3.6 Ancillary Service and Storage Areas

The permittee may discharge contaminated storm water to waters of the state from ancillary service and storage areas provided the discharges of contaminated storm water comply with groundwater and surface water quality standards. The permittee shall take preventive maintenance actions and conduct periodic visual inspections to minimize the discharge of pollutants from these areas to surface waters. For CAFO outdoor vegetated areas (defined in ss. NR 243.03(3) and NR 243.13(7)), the permittee shall also implement the following practices:

- Manage stocking densities, implement management systems and manage feed sources to ensure that sufficient vegetative cover is maintained over the entire area at all times.
- Prohibit direct access of livestock or poultry to surface waters or wetlands located in or adjacent to the area unless approved by the department.

### 3.7 Nutrient Management

Except as provided for in s. NR 243.142(2), the permittee is responsible for ensuring that the manure and process wastewater generated by the operation is land applied or disposed of in a manner that complies with the terms of this permit, the approved nutrient management plan and s. NR 243.14. Failure to comply with the requirements of a nutrient management plan developed and approved by the Department in accordance with this permit and s. NR 243.14, is a permit violation.

The permittee shall land apply manure and process wastewater in compliance with the Department approved nutrient management plan, s. NR 243.14 and the terms and conditions of this permit. Land application practices shall not exceed crop nutrient budgets determined in accordance with NRCS Standard 590, this permit and s. NR 243.14 and shall be based on manure and process wastewater analyses, soil tests, as well as other nutrient sources applied to a field. The permittee shall review and amend its nutrient management plan on an annual basis and submit an annual plan update to the Department by March 31st of each year. The annual update shall include:

- Changes in the operation during the previous calendar year.
- Changes during the previous cropping year to nutrient management activities from projected activities (e.g., rotations, rates of application of manure and process wastewater).
- New soil test results.
- Projected operational changes for the current calendar year.
- Projected changes to applications of manure and process wastewater for the current cropping year based on operational changes, actual crop yield in the previous cropping year, soil tests, nutrient applications following the harvest of crops in the previous cropping year, nutrient credits for the current cropping year based on quality of legume stands, and other relevant information. The permittee shall define "current cropping year" as part of its nutrient management plan.



The management plan may be amended at any time provided the proposed amendments are approved in writing by the department and meet the requirements of s. NR 243.14. Changes requiring a plan amendment include, but are not limited to, changes to application rates, new spreading sites, changes in the number of livestock, changes in manure storage procedures, or changes in the type of manure spreading equipment. Unless specified in the “Special Permit Conditions” section of the permit, an amendment, including changes proposed as part of annual update, does not become effective and may not be implemented until the department has reviewed and approved the amendment. In addition, all approved amendments in a given year shall be included in the Annual Update.

NOTE: Some amendments to the nutrient management plan may be subject to formal public participation procedures under s. 283.53. Stats, and may not be implemented until the public participation procedures have been completed.

The permittee shall maintain daily spreading records and submit annual reports relating to land application activities in accordance with s. NR 243.19.

### 3.7.1 General Spreading Restrictions

The permittee shall land apply manure and process wastewater in compliance with the following:

- Manure or process wastewater may not pond on the application site.
- During dry weather conditions, manure or process wastewater may not run off the application site, nor discharge to waters of the state through subsurface drains.
- Manure or process wastewater may not cause the fecal contamination of water in a well.
- Manure or process wastewater may not run off the application site nor discharge to waters of the state through subsurface drains due to precipitation or snowmelt except if the permittee has complied with all land application restrictions in NR 243 and this permit, and the runoff or discharge occurs as a result of a rain event that is equal to or greater than a 25-year, 24-hour rain event.
- Manure or process wastewater may not be applied to saturated soils.
- Land application practices shall maximize the use of available nutrients for crop production, prevent delivery of manure and process wastewater to waters of the state, and minimize the loss of nutrients and other contaminants to waters of the state to prevent exceedances of groundwater and surface water quality standards and to prevent impairment of wetland functional values. Practices shall retain land applied manure and process wastewater on the soil where they are applied with minimal movement.
- Manure or process wastewater may not be applied on areas of a field with a depth to groundwater or bedrock of less than 24 inches.
- Manure or process wastewater may not be applied within 100 feet of a direct conduit to groundwater.
- Manure or process wastewater may not be applied within 100 feet of a private well or non-community system as defined in ch. NR 812 or within 1000 feet of a community well as defined in ch. NR 811.
- Unless specified otherwise in this permit, where incorporation of land applied manure is required, the incorporation shall occur within 48 hours of application.
- Manure or process wastewater may not be surface applied when precipitation capable of producing runoff is forecast within 24 hours of the time of planned application.
- Manure may not be spread in a waterway, terrace channel or any areas where there may be a concentration of runoff.
- Fields receiving manure and process wastewater may not exceed tolerable soil loss (“T”).
- On high permeability soils (as defined in NRCS Standard 590) and fields where drain tile is present, permittees may not apply 20% more available nitrogen than the recommended nitrogen rate when legumes, manure and organic byproducts are used to meet the entire nitrogen requirement of the crop to be grown.

### 3.7.2 Non-Cropland Applications

Manure may be applied to non-cropland if pre-approval in writing is issued by the Department. Considerations for approval may include acceptable application timing, amounts and methods.

### 3.7.3 Additional Nutrient Management Plan Requirements

- If applicable, the permittee shall specify the method(s) of incorporation in its nutrient management plan.

- The permittee shall identify, to the maximum extent practicable, the presence of subsurface drainage systems in fields where its manure or process wastewater is applied as part of the nutrient management plan.
- In accordance with s. NR 243.14(3), the permittee shall account for 1<sup>st</sup> and 2<sup>nd</sup> year nutrient credits.
- On a field-by-field basis, the permittee shall select and implement one of the practices listed in s. NR 243.14(4) for manure and process wastewater applications in a SWQMA (defined in ch. NR 243), and include the selected practices in the nutrient management plan. Whenever manure or process wastewater is applied within a SWQMA, the permittee shall apply the material in compliance with the SWQMA practices specified in the approved nutrient management plan.
- On a field-by-field basis, the permittee shall select one of the methods specified in s. NR 243.14(5) for assessing and minimizing the potential delivery of phosphorus to surface waters, and include the selected method in the nutrient management plan. The permittee shall apply manure and process wastewater to fields in compliance with the phosphorus methods specified in the approved nutrient management plan.
- As part of the nutrient management plan approval process, the Department may require that the permittee implement additional practices in accordance with s. NR 243.14(10). The permittee shall include these additional practices in the nutrient management plan and implement them.

### **3.7.4 Frozen or Snow Covered Ground – General Spreading Restrictions**

If the permittee applies manure or process wastewater on frozen or snow-covered ground, the permittee shall land apply the manure in compliance with all of the restrictions in ss. NR 243.14(2)(b) and NR 243.14(6)-(8) and the approved nutrient management plan. Some of these restrictions include:

- Any incorporation of manure on frozen or snow-covered ground must be done immediately after application.
- The permittee shall identify acceptable sites for allowable applications on frozen or snow-covered ground as part of its nutrient management plan.
- The permittee shall evaluate each field at the time of application to determine if conditions are suitable for applying manure and complying with the requirements of this permit. All surface applications of manure or process wastewater on frozen or snow-covered ground shall occur on those fields that represent the lowest risk of pollutant delivery to waters of the state and where the application results in a winter acute loss index value of 4 or less using the Wisconsin phosphorus index.
- Manure or process wastewater may not be land applied on fields when snow is actively melting such that water is flowing off the field.
- On fields with soils that are 60 inches thick or less over fractured bedrock, manure may not be applied on frozen ground or where snow is present.
- Manure may not be incorporated on areas of fields with greater than 4 inches of snow.

[NOTE: Please refer to ch. NR 243 for all requirements contained in ss. NR 243.14(2)(b) and NR 243.14(6)-(8).]

### **3.7.5 Frozen or Snow Covered Ground – Solid Manure (12% solids or more)**

This section applies to permittees that land apply solid manure. The permittee may only surface apply solid manure on frozen or snow-covered ground in compliance with the following restrictions:

- Solid manure may not be surface applied on slopes greater than 9%.
- Solid manure may not be surface applied from February 1 through March 31 on areas of fields where an inch or more of snow is present or where the ground is frozen.
- The surface application shall comply with the restrictions in Table 1.

<p align="center"><b>Table 1</b> <b>Restrictions for Surface Applying Solid Manure on Frozen and Snow Covered Ground</b></p>		
<b>Criteria</b>	<b>Restrictions for fields with 0-6% slopes</b>	<b>Restrictions for fields with slopes &gt; 6% and up to 9%</b>
Required fall tillage practice prior to application	Chisel or moldboard plow, no-till or a department approved equivalent <sup>A</sup>	Chisel or moldboard plow, no-till or department approved equivalent <sup>A</sup>
Minimum % solids allowed	12%	> 20%
Application rate (cumulative per acre)	Not to exceed 60 lbs. P <sub>2</sub> O <sub>5</sub> per winter season, the following growing season's crop P <sub>2</sub> O <sub>5</sub> budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Not to exceed 60 lbs. P <sub>2</sub> O <sub>5</sub> per winter season, the following growing season's crop P <sub>2</sub> O <sub>5</sub> budget taking into account nutrients already applied, or phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less
Setbacks from surface waters	No application allowed within SWQMA	No application allowed within 2.0 x SWQMA
Setbacks from downslope areas of channelized flow, vegetated buffers, and wetlands	200 feet	400 feet
Setbacks from direct conduits to groundwater	300 feet	600 feet
<p>A – All tillage and farming practices shall be conducted in accordance with the following requirements; 0-2% slope = no contouring required, &gt;2-6% slope = tillage and practices conducted along the general contour, &gt;6% slope = tillage and farming practices conducted along the contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible. Allowances for application on no-till fields only apply to fields where no-till practices have been in place for a minimum of 3 years.</p>		

### 3.7.6 Frozen or Snow Covered Ground – Allowances for Surface Applications of Liquid Manure (<12% solids)

This section applies to permittees that land apply liquid manure. The permittee is prohibited from surface applying liquid manure during February and March, and is prohibited from surface applying liquid manure on frozen or snow-covered ground except for the following conditions:

- The permittee may surface apply liquid manure on frozen or snow covered ground, including during February and March, only on an emergency basis in accordance with Table 2 and s. NR 243.14(7)(d) on fields the Department has approved for emergency applications. The permittee must notify the department verbally prior to the emergency application. Unless the emergency application is necessitated by imminent impacts to the environment or human or animal health, the permittee may not apply manure to a field on an emergency basis until the department has verbally approved the application. The permittee shall submit a written description of the emergency application and the events leading to the emergency application to the department within 5 days of the emergency application.
- Liquid manure that is frozen and cannot be transferred to a manure storage facility may be surface applied on frozen or snow-covered ground, including during February and March, in accordance with the restrictions in Tables 2 and s. NR 243.14(f). Surface applications of frozen liquid manure do not require prior department approval or notification provided application sites for frozen liquid manure are identified in the approved nutrient management plan. During February and March, the permittee shall notify the department if the permittee expects to surface apply frozen liquid manure more than 5 days in any one month.

<p>Table 2 Restrictions for Surface Applications of Liquid Manure on Frozen or Snow Covered Ground</p>		
Criteria	Restrictions for fields with 0-2% slopes	Restrictions for fields with >2-6% slopes
Required fall tillage practice prior to application	Chisel or moldboard plow or department approved equivalent <sup>A</sup>	Chisel or moldboard plow or department approved equivalent <sup>A</sup>
Application rate (cumulative per acre)	Maximum application volume of 7,000 gallons per acre per winter season, not to exceed 60 lbs. P <sub>2</sub> O <sub>5</sub> , the following growing season's crop P <sub>2</sub> O <sub>5</sub> budget taking into account nutrients already applied or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less	Maximum application volume of 3,500 gallons per acre per winter season, not to exceed 30 lbs. P <sub>2</sub> O <sub>5</sub> , the following growing season's crop P <sub>2</sub> O <sub>5</sub> budget taking into account nutrients already applied, or other phosphorus application restrictions specified in a department approved nutrient management plan, whichever is less
Setbacks from surface waters	No application allowed within SWQMA	No application allowed within SWQMA
Setbacks from downslope areas of channelized flow, vegetated buffers, wetlands	200 feet	200 feet
Setbacks from direct conduits to groundwater	300 feet	300 feet
<p><sup>A</sup> – All tillage and farming practices shall be conducted along the contour in accordance with the following requirements; 0-2% slope = no contouring required, &gt;2-6% slope = tillage and practices conducted along the general contour. The department may approve alternative tillage practices on a case-by-case basis in situations where conducting practices along the contour is not possible</p>		

### 3.7.7 Frozen or Snow Covered Ground – Process Wastewater

This section applies to permittees that land apply process wastewater. If a permittee land applies process wastewater on frozen or snow-covered ground, the permittee shall land apply the process wastewater in compliance with s. NR 214.17(2) through (6) and the other land application restrictions in this permit, except for the restrictions in the “Frozen or Snow Covered Ground – Solid Manure (12% solids or more)” and “Frozen or Snow Covered Ground – Allowances for Surface Applications of Liquid Manure (<12% solids)” sections of this permit.

### 3.7.8 Spreading Sites Submittals

Permittee requests to amend a nutrient management plan to include landspreading sites not found in an approved management plan shall include the following information:

- The location of the site on maps and aerial photographs, and soil survey maps.
- A unique site identification number
- Information used to verify the site meets locational requirements of the permit,

- A nutrient budget for the site consistent with permit requirements. This includes a completed worksheet outlining the process in determining appropriate spreading rates for each additional site, including a crop history identifying the previous season's crops and future cropping plans for each site and estimated nutrient uptake.
- A demonstration that the field(s) in question meets tolerable soil loss rate.
- Maps that show where land application is prohibited or restricted on a map or aerial photograph of the site.
- Soil samples if available for one-time applications. If the permittee wishes to use the site for subsequent applications, soil samples shall be submitted prior to additional landspreading.

A new site may not be used for land application until the Department approves the site and it is amended into the plan. The addition of new landspreading sites is considered a permit modification under s. 283.53, Stats.

### **3.8 Monitoring and Sampling Requirements**

The permittee shall comply with the monitoring and sampling requirements specified below for the listed sampling point(s), and the following conditions.

#### **3.8.1 Monitoring and Inspection Program**

The permittee shall have a monitoring and inspection program on file with the department. The program shall be designed to determine compliance with permit requirements. The program shall be consistent with the requirements outlined below and shall identify the areas that the permittee will inspect, the person responsible for conducting the inspections and how inspections will be recorded and submitted to the department.

Visual inspections shall be completed by the permittee or designee in accordance with the following frequencies:

- Daily inspections for leakage of all water lines that potentially come into contact with pollutants or drain to storage or containment structures or runoff control systems, including drinking or cooling water lines.
- Weekly inspections to ensure proper operation of all storm water diversion devices and devices channeling contaminated runoff to storage or containment structures.
- Weekly inspections of liquid storage and containment structures. For liquid storage and containment facilities, the berms shall be inspected for leakage, seepage, erosion, cracks and corrosion, rodent damage, excessive vegetation and other signs of structural weakness. In addition, the level of material in all liquid storage and containment facilities shall be measured and recorded in feet or inches above or below the margin of safety level.
- Quarterly inspections of the production area, including outdoor animal pens, barnyards and raw material storage areas. CAFO outdoor vegetated areas shall be inspected quarterly.
- Periodic inspections and calibration of landspreading equipment to detect leaks and ensure accurate application rates for manure and process wastewater. An initial calibration of spreading equipment shall be followed by additional calibration after any equipment modification that may impact application of manure or process wastewater or after changes in product or manure or process wastewater consistency. Spreading equipment for both liquid and solid manure shall be inspected just prior to the hauling season, and equipment used for spreading liquids shall be inspected at least once per month during months when application occurs.
- Inspections of fields each time manure or process wastewater is surface applied on frozen or snow-covered ground to determine if applied materials have run off the application site. Inspections shall occur during and shortly after application.

The permittee shall take corrective actions as soon as practicable to address any equipment, structure or system malfunction, noncompliance, failure or other problem identified through monitoring or inspections. If the permittee fails to take corrective actions within 30 days of identifying a malfunction, noncompliance, failure or other problem, the permittee shall contact the Department immediately following the 30-day period and provide an explanation for its failure to take action.

## 4 Schedules

### 4.1 Emergency Response Plan

Required Action	Date Due
<b>Develop Emergency Response Plan:</b> Develop a written Emergency Response Plan, available to the Department upon request.	within 30 days of permit coverage

### 4.2 Annual Reports

Submit Annual Reports by January 31st of each year in accordance with the Reporting Requirements subsection in Standard Requirements.

Required Action	Date Due
<b>Submit Annual Report #1:</b> Submit information on inspection and land application activities for the previous year in accordance with s. NR 243.19(3).	01/31/2012
<b>Submit Annual Report #2:</b> Submit information on inspection and land application activities for the previous year in accordance with s. NR 243.19(3).	01/31/2013
<b>Submit Annual Report #3:</b> Submit information on inspection and land application activities for the previous year in accordance with s. NR 243.19(3).	01/31/2014
<b>Submit Annual Report #4:</b> Submit information on inspection and land application activities for the previous year in accordance with s. NR 243.19(3).	01/31/2015
<b>Submit Annual Report #5:</b> Submit information on inspection and land application activities for the previous year in accordance with s. NR 243.19(3).	01/31/2016
<b>Ongoing Annual Reports:</b> Continue to submit ongoing Annual Reports.	January 31, annually

### 4.3 Nutrient Management Plan

Required Action	Date Due
<b>Nutrient Management Plan Annual Update #1:</b> Submit an Annual Update to the nutrient management plan at least 30 days before the start of each cropping season. Note: In addition to Annual Updates, submit nutrient management plan amendments to the Department for written approval prior to implementation of changes to nutrient management practices, in accordance with the Nutrient Management requirements in the Livestock Operational and Sampling Requirements section.	03/31/2012
<b>Nutrient Management Plan Annual Update #2:</b> Submit an Annual Update to the nutrient management plan.	03/31/2013
<b>Nutrient Management Plan Annual Update #3:</b> Submit an Annual Update to the nutrient management plan.	03/31/2014
<b>Nutrient Management Plan Annual Update #4:</b> Submit an Annual Update to the nutrient management plan.	03/31/2015
<b>Nutrient Management Plan Annual Update #5:</b> Submit an Annual Update to the nutrient management plan.	03/31/2016
<b>Ongoing Nutrient Management Plan Annual Updates:</b> Continue to submit Annual Updates to the nutrient management plan until permit reissuance has been completed.	March 31, annually

#### 4.4 Submit Permit Reissuance Application

Required Action	Date Due
<b>Reissuance Application:</b> Submit a complete permit reissuance application in accordance with s. NR 243.12(2)(b).	9/30/2015

## 5 Standard Requirements

### 5.1 General Conditions

**NR 205, Wisconsin Administrative Code:** The conditions in s. NR 205.07(1), Wis. Adm. Code, are included by reference in this permit. The permittee shall comply with all of these requirements. Some of these requirements are outlined in the Standard Requirements section of this permit. Requirements not specifically outlined in the Standard Requirement section of this permit can be found in s. NR 205.07(1).

#### 5.1.1 Duty to comply

The permittee shall comply with all conditions of the permit. Any permit noncompliance is a violation of the permit and is grounds for enforcement action, permit revocation or modification, or denial of a permit reissuance application.

#### 5.1.2 Permit Actions

As provided in s. 283.53, Stats., after notice and opportunity for a hearing the permit may be modified or revoked and reissued for cause. If the permittee files a request for a permit modification, revocation or reissuance, or a notification of planned changes or anticipated noncompliance, this action by itself does not relieve the permittee of any permit condition.

#### 5.1.3 Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege. The permit does not authorize any injury or damage to private property or any invasion of personal rights, or any infringement of federal, state or local laws or regulations.

#### 5.1.4 Schedules

Reports of compliance or noncompliance with interim and final requirements contained in any schedule of the permit shall be submitted in writing within 14 days after the schedule date, except that progress reports shall be submitted in writing on or before each schedule date for each report. Any report of noncompliance shall include the cause of noncompliance, a description of remedial actions taken and an estimate of the effect of the noncompliance on the permittee's ability to meet the remaining schedule dates.

#### 5.1.5 Inspection and Entry

The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:

- enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are required under the conditions of the permit;
- have access to and copy, at reasonable times, any records that are required under the conditions of the permit;
- inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under the permit; and
- sample or monitor at reasonable times, for the purposes of assuring permit compliance, any substances or parameters at any location.

#### 5.1.6 Transfers

A permit is not transferable to any person except after notice to the Department. In the event of a transfer of control of a permitted facility, the prospective owner or operator shall file a new permit application and shall file a stipulation of permit acceptance with the Department WPDES permit section. The Department may require modification or revocation and reissuance of the permit to change the name of the permittee and to reflect the requirements of ch. 283, Stats.



### 5.1.7 Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any adverse impact on the waters of the state resulting from noncompliance with the permit.

### 5.1.8 Duty to Provide Information

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking or reissuing the permit or to determine compliance with the permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by the permittee.

### 5.1.9 Recording of Results-Sampling

For each manure, process wastewater or soil sample taken by the permittee, the permittee shall record the following information:

- The date, exact place, method and time of sampling or measurements,
- The individual or lab that performed the sampling or measurements,
- The date of the analysis was performed,
- The individual who performed the analysis,
- The analytical techniques or methods used
- The results of the analysis.

### 5.1.10 Recording of Results-Inspections

For each inspection conducted by the permittee, the permittee shall record the following information:

- The date and name of the person(s) performing the inspection,
- An inspection description, including components inspected,
- Details of what was discovered during the inspection,
- Recommendations for repair or maintenance,
- Any corrective actions taken.

### 5.1.11 Spill Reporting

The permittee shall notify the Department in the event that a spill or accidental release of any material or substance results in the discharge of pollutants to the waters of the state at a rate or concentration greater than the effluent limitations or restrictions established in this permit, or the spill or accidental release of the material that is unregulated in this permit, unless the spill or release of pollutants has been reported to the Department in accordance with s. NR 205.07 (1)(s), Wis. Adm. Code, and the “Noncompliance - 24 Hour Reporting,” section of this permit.

NOTE: Section 292.11(2)(a), Wisconsin Statutes, requires any person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance to notify the Department of Natural Resources **immediately** of any discharge not authorized by the permit. The discharge of a hazardous substance that is not authorized by this permit or that violates this permit may be a hazardous substance spill. To report a hazardous substance spill, call DNR's 24-hour HOTLINE at **1-800-943-0003**.

### 5.1.12 Planned Changes

The permittee shall report to the Department any facility or operation expansion, production increase or process modifications which will result in new, different or increased amount of manure or process wastewater produced or handled by the permittee or which will result in new, different or increased discharges of pollutants to waters of the state. The report shall either be a new permit application, or if the new discharge will not violate the conditions of this permit, a written notice of the planned change. The report shall contain a description of the planned change, an estimate of the new, different or increased discharge of pollutants and a description of the effect of change will have on current manure and process wastewater handling practices. Changes cannot be implemented prior to reporting

changes to the Department. Following receipt of this report, the Department may require that the permittee submit plans and specifications, or modify its nutrient management plan to address the planned change. Changes requiring Department action or approval may not be initiated prior to Department action or approval. Some changes to the nutrient management plan will require a permit modification under s. 283.53, Stats.

### **5.1.13 Submittal of Plans and Specifications**

In accordance with s. NR 243.15, the permittee shall submit plans and specifications for proposed new or upgraded reviewable facilities or systems to the Department for approval prior to construction. Post construction documentation for these projects shall be submitted within 60 days of completion of the project, or as otherwise specified by the Department.

### **5.1.14 Other Information**

Where the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the department, it shall promptly submit such facts or correct information to the department.

### **5.1.15 Noncompliance - 24 Hour Reporting**

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. This includes any upset which exceeds any effluent limitation in the permit, or violations of the discharge limitations listed in the permit.

### **5.1.16 Reports and Submittal Certification**

Signature(s) on reports required by this permit shall certify to the best of the permittee's knowledge the reports to be true, complete and accurate. All reports required by this permit shall be signed:

- for a corporation by a principal executive officer of at least the level of Vice President or his duly authorized representative having overall responsibility for the operation of the facility of which this permit issued,
- for a partnership by a general partner, and
- for a sole proprietorship by the proprietor.

## **5.2 Livestock Operation General Requirements**

### **5.2.1 Responsibility for Manure and Process Wastewater**

The permittee is responsible for the storage, management and land application of all manure and process wastewater generated by the operation. The permittee is also responsible for any manure or process wastewater received from non-permitted operations that are accepted by the permittee for storage, management or land application.

### **5.2.2 Distribution of Manure and Process Wastewater**

All manure and process wastewater generated by the permittee is the responsibility of the permittee and shall be stored and applied in compliance with the terms and conditions of this permit and the approved nutrient management plan, except if the manure or process wastewater is distributed to another person in accordance with s. NR 243.142 and the Department has approved the transfer of responsibility in writing.

To transfer responsibility for handling, storage and application of manure or process wastewater, a permittee shall submit a written request to the Department. At minimum the request shall indicate how the permittee will comply with all conditions identified in ch. NR 243.142(3), Wis. Adm. Code. If approved, the permittee will be responsible for the following recordkeeping and reporting:

- Update the nutrient management plan to include the estimated amount of manure and process wastewater to be transferred, and record the actual amount transferred at the time of transfer.
- Maintain records that identify the name and address of the recipient of the manure or process wastewater, quantity, and dates of transfer.
- Provide the recipient with written information regarding the nutrient content (nitrogen and phosphorus at minimum) of the manure and process wastewater.
- Submit transfer reports to the Department with the annual report.
- Records shall be maintained for at least 5 years.

Upon written approval from the Department, the permittee is not responsible for the land application, use or disposal of distributed manure or process wastewater if the manure or process wastewater is distributed in compliance with the conditions of the Department approval and s. NR 243.142.

### **5.2.3 Emergency Response Plans**

Within 30 days of the effective date of the permit, the permittee shall develop a written emergency response plan, or update an existing plan if necessary, in accordance with s. NR 243.13(6). The plan shall be made available to the Department upon request. The emergency response plan shall be reviewed and, if appropriate or necessary, amended whenever the operation undergoes significant expansions or other changes that affect the volume or location of potential unauthorized spills or discharges. The plan shall be amended as needed to reflect changes in available equipment, available clean-up contractors or procedures to address unauthorized spills or discharges, or amended in accordance with comments provided by the department. The plan shall be retained at the production area and the permittee shall notify all employees involved in manure and process wastewater handling of the location of the plan.

### **5.2.4 Mortality Management**

Animal carcasses may not be disposed of in a manner that results in a discharge of pollutants to surface waters, violates groundwater standards or impairs wetland functional values. Animal carcasses may not be disposed of directly into waters of the state. In addition, carcasses may not be disposed of in liquid manure or process wastewater containment, storage or treatment facilities unless the containment, storage or treatment facility is adequately designed to contain and treat carcasses and the facility has been approved by the department for that use.

The permittee shall record the date and method of carcass disposal.

[NOTE: The permittee should be aware that there are additional restrictions on the disposal of animal carcasses in ch. 95, Stats., and ATCP 3, Wis. Adm. Code. Furthermore, there may be local regulations regarding disposal of carcasses. If a carcass is disposed of off-site, the disposal may be subject to the requirements in ch. NR 502.12 or 518, Wis. Adm. Code]

### **5.2.5 Department Review of Nutrient Management Plans**

The Department reserves the right to review the nutrient management plan at any time for application rates and cover crop nutrient removal rates, as well as the timing and methods of application. If the Department determines that a landspreading site is no longer acceptable for manure and process wastewater applications, the permittee shall modify the nutrient management plan to remove the site from the plan. In addition, if the Department determines application rates need to be adjusted for individual fields, the permittee shall modify the nutrient management plan. All Department initiated modifications shall be completed by the permittee within 3 months of written notification from the Department.

### **5.2.6 Construction Schedules**

The Department may require a construction schedule for designed structures (e.g., manure storage, feed storage runoff control) as a condition of the Department's nutrient management plan approval prior to granting coverage under this general permit. The permittee shall include the construction schedule in its nutrient management plan. The construction schedule included in the nutrient management plan is an enforceable requirement of this permit.

NOTE: The construction schedule will be public noticed, and subject to public comment, as part of the Department's notice of intent to grant permit coverage and the notice of availability of an operation's nutrient management plan that is required prior to granting coverage under this general permit.

### **5.2.7 Manure or Process Wastewater Storage Facility, Composting and Compost Leachate Containment Systems - Installation Plan Requirements**

New construction of manure or process wastewater storage or composting facilities shall be in accordance with s. NR 243.15. Exemptions to the design criteria may be given by the Department on a case-by-case basis. Written Department approval is required prior to construction of structures or systems. The following (minimum) information shall be included in the plans and specifications submitted for the new construction of a manure or process wastewater storage facility(s) or composting system(s) (three complete copies are required):

- a narrative describing the proposed facility(s)/system(s);
- a written management and site assessment;
- an operation and maintenance plan;
- an assessment of the ability of the facility(s)/system(s) to meet the applicable design requirements in s. NR 243.15;
- the adequacy of each facility's proposed linings to prevent exfiltration of manure and other contaminants to groundwater and the facility's ability to permanently meet the conditions in the Production Area Discharge Limitations and Manure and Process Wastewater Storage subsections;
- the proximity of bedrock and the water table to the proposed elevation of each facility's floors verified through on-site soil test borings or pits;
- scaled drawings showing the design details and locations of each proposed storage unit, any surface water, water supply wells, property boundaries, and other pertinent information;
- details concerning the proposed materials of construction; and
- relevant engineering calculations.

### **5.2.8 Runoff Control Systems - Installation Plan Requirements**

New construction of runoff control systems shall be in accordance with s. NR 243.15. Exemptions to the design criteria may be given by the Department on a case-by-case basis. Written Department approval is required prior to construction of structures or systems. The following (minimum) information shall be included in the plans and specifications submitted for the new construction of a runoff control system(s) (three complete copies are required):

- a narrative describing the proposed system including a full description of the system's proposed components;
- a written management and site assessment;
- an operation and maintenance plan;
- an assessment of the ability of the system(s) to meet the applicable design requirements in s. NR 243.15;
- the adequacy of each proposed system to permanently meet the conditions in the Production Area Discharge Limitations and Runoff Control subsections;
- the proximity of bedrock and the water table to the proposed elevation of each system's floors verified through on-site soil test borings or pits;
- scaled drawings showing the design details and locations of each proposed system, any surface water, water supply wells, property boundaries, and other pertinent information;
- details concerning the proposed materials of construction; and
- relevant engineering calculations.

### 5.2.9 Requirements for Digesters for Biogas Production

**New Installation - Plans and Specifications:** New construction of digester facilities for biogas production shall be in accordance s. NR 243.15. In accordance with s. NR 243.15, additional requirements under ch. NR 213, Wis. Adm. Code, may apply based on materials added or chemical characterization of the digester influent/effluent. Exemptions to the design criteria may be given by the Department on a case-by-case basis. Written Department approval is required prior to construction of structures or systems. The following (minimum) information shall be included in the plans and specifications submitted for the new construction of a digester for biogas production (three complete copies are required):

- a narrative describing the proposed facility(s);
- a written management and site assessment;
- an operation and maintenance plan;
- an assessment of the ability of the facility(s) to meet the applicable design requirements in s. NR 243.15;
- the adequacy of each facility's proposed linings to prevent exfiltration of manure (untreated or digested) and other contaminants to groundwater and the facility's ability to permanently meet the conditions in the Production Area Discharge Limitations and Manure and Process Wastewater Storage subsections;
- the proximity of bedrock and the water table to the proposed elevation of each facility's floors verified through on-site soil test borings or pits;
- scaled drawings showing the design details and locations of each proposed storage unit, any surface water, water supply wells, property boundaries, and other pertinent information;
- details concerning the proposed materials of construction;
- relevant engineering calculations; and
- additional design considerations based on operation of the digester (e.g., proposed additives, operational temperatures, etc.).

### 5.2.10 Record Keeping and Retention

The permittee shall keep records associated with production area and land application activities in accordance with s. NR 243.19(2). The permittee shall retain these records and copies of all reports required by the permit, and records of all data used to complete the application for the permit for a period of at least 5 years from the date of the sample, measurement, report or application. These records shall be made available to the Department upon request.

**Note:** A form for recording daily land application activities (Form 3200-123A) can be obtained at regional offices of the Department or the Department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

### 5.2.11 Reporting Requirements

The permittee shall submit the following reports in accordance with s. NR 243.19(3)

- **Corrective Actions:** If the permittee fails to take corrective action within 30 days of identifying a malfunction, failure, permit noncompliance or other identified problem, the permittee shall contact the Department immediately following the 30-day period and provide an explanation for its failure to take action.
- **Quarterly Reports:** The permittee shall summarize the results of inspections conducted at the production area in a written quarterly report. The permittee shall maintain the quarterly reports onsite until the quarterly report is submitted to the Department as part of the annual report.
- **Annual Reports:** The permittee shall submit written annual reports to the department by the date specified in the Schedules section of permit for all manure and other process wastewater that is generated by the permittee. These annual reports shall include quarterly reports, annual spreading activities and other information required in s. NR 243.19(3) for the previous calendar year or cropping year, as specified in this permit.

**Note:** Form 3200-123 (Annual Spreading Report) can be obtained at regional offices of the department or the department's Bureau of Watershed Management, 101 S. Webster St., P.O. Box 7921, Madison, Wisconsin 53707.

### **5.2.12 Duty to Maintain Permit Coverage**

The permittee shall submit a reissuance application in accordance with s. NR 243.12(2)(b) at least 180 days prior to the expiration date of this WPDES general permit, unless the permittee submits a letter to the Department documenting all of the following:

- That the permittee has ceased operation or is no longer defined as a large CAFO under s. NR 243.03(28).
- That the permittee has demonstrated to the Department's satisfaction that it has no remaining potential to discharge of manure or process wastewater pollutants to waters of the state that was generated while the operation was a CAFO.

### **5.2.13 Continuation of an Expired General Permit**

Provided the permittee has submitted a reissuance application or Notice of Intent prior to the expiration date of this permit, the terms and conditions of this general permit shall continue to apply until this general permit is reissued or revoked or until an individual permit is issued for the discharge to which the general permit applied. The status of expired general permits and forms for requesting continued permit coverage can be accessed at the Department's web site.

<http://dnr.wi.gov/org/water/wm/ww/gpindex/gpinfo.htm>.

### **5.2.14 Enforcement**

Any violation of this permit is enforceable under ss. 283.89 and 283.91, Wisconsin Statutes.

### **5.2.15 Severability**

The provisions of this permit are severable, and if any provisions of this permit or the application of any provision of this permit to any circumstance is held invalid, the remainder of this permit shall not be affected thereby.

## 6 Summary of Reports Due

FOR INFORMATIONAL PURPOSES ONLY

Description	Date	Page
<b>Emergency Response Plan -Develop Emergency Response Plan</b>	<b>See Permit</b>	19
<b>Annual Reports -Submit Annual Report #1</b>	<b>January 31, 2012</b>	19
<b>Annual Reports -Submit Annual Report #2</b>	<b>January 31, 2013</b>	19
<b>Annual Reports -Submit Annual Report #3</b>	<b>January 31, 2014</b>	19
<b>Annual Reports -Submit Annual Report #4</b>	<b>January 31, 2015</b>	19
<b>Annual Reports -Submit Annual Report #5</b>	<b>January 31, 2016</b>	19
<b>Annual Reports -Ongoing Annual Reports</b>	<b>See Permit</b>	19
<b>Nutrient Management Plan -Management Plan Annual Update #1</b>	<b>March 31, 2012</b>	19
<b>Nutrient Management Plan -Management Plan Annual Update #2</b>	<b>March 31, 2013</b>	19
<b>Nutrient Management Plan -Management Plan Annual Update #3</b>	<b>March 31, 2014</b>	19
<b>Nutrient Management Plan -Management Plan Annual Update #4</b>	<b>March 31, 2015</b>	19
<b>Nutrient Management Plan-Management Plan Annual Update #5</b>	<b>March 31, 2016</b>	19
<b>Nutrient Management Plan -Ongoing Management Plan Annual Updates</b>	<b>See Permit</b>	19
<b>Submit Permit Reissuance Application -Reissuance Application</b>	<b>September 30, 2015</b>	20

Report forms shall be submitted to the address printed on the report form. Submittals required by this permit shall be submitted to the address identified in the cover letter authorizing coverage under this permit.